

1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: TAFT

SERIAL NO.: 10/029,658

FILED: December 20, 2001

FOR: METHOD AND APPARATUS FOR PREPARING TISSUE . . .

DOCKET: VMS 01.01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicant wishes to bring to the attention of the Patent Office additional prior art received in connection with a corresponding EPO application. Attached is U.S. Patent Office Form PTO-1449, including copies of the prior art references listed therein, and a copy of the EPO Search Report. A copy of U.S. patent number 3,982,862 is not being provided since it is already of record in the U.S. prosecution. Also, it is believed that the EPO Examiner's citation of U.S. patent 4,577,903 is in error and that the EPO Examiner likely meant to refer to U.S. patent 4,557,903, which is also of record in the instant U.S. application. The claims in the present application are believed to be patentably distinguished over these references.

This information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

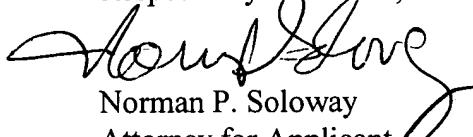
175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 CFR § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of the European Search Report by a EPO Examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a EPO patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the EPO Examiner or the claims of the EPO application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the EPO Examiner's comments submitted therewith.

The enclosed Information Disclosure Statement is being submitted within three months of receipt of the as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this prior art disclosure statement. However, in the event there are any fees payable, please charge them to our Deposit Account No. 08-1391.

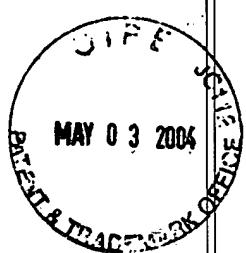
Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Registration No. 24,315

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2004 at Tucson, Arizona.

By: 

NPS:sb

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
VMS 01.01

In Re Application Of: TAFT **MAY 03 2004**

Serial No.
10/029,658

Filing Date
December 20, 2001

Examiner
Unknown

Group Art Unit
1743

Invention:

METHOD AND APPARATUS FOR PREPARING TISSUE SAMPLES FOR SECTIONING

TO THE COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

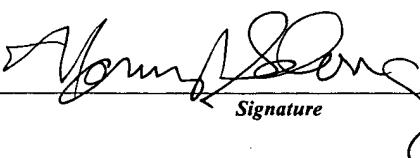
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.



Signature

Norman P. Soloway, Esq.
Reg. No. 24,315
HAYES SOLOWAY P.C.
130 W. Cushing Street
Tucson, Arizona 85701
Phone: 520-882-7623

Dated: April 29, 2004

Certificate of Mailing by First Class Mail

I certify that this document is being deposited on April 29, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Shauna Bronson

Typed or Printed Name of Person Mailing Correspondence

CC:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.